

REMARKS

I. Introduction

Claims **1-18** are pending in the application. Claims **1, 14, and 16-17** are independent.

In the Notice (which alleges that Applicants' previous Response was "Non-Compliant"), the Examiner indicates that claims **14-18** "have the wrong status identifier".

Applicants respectfully disagree.

Claims **1-15** were originally presented upon filing of the present application on May 31, 2006, are currently pending, have never been amended, and are thus "Original" – and have been so indicated in both the previous Response, as well as in this Response. Thus, claims **14-15 are presented with proper claim status identifiers.**

Claims **16-18** were added by amendment in a Response submitted on July 31, 2009, are currently pending, have never been amended, and are thus "Previously presented" – and have been so indicated in both the previous Response, as well as in this Response. Thus, claims **16-18 are presented with proper claim status identifiers.**

The Examiner has imposed a restriction requirement in this case. Applicants traversed the Restriction Requirement and *provisionally* elected to prosecute Group I – in the case that the Examiner makes the Restriction Requirement final upon reconsideration (which was requested in Applicants' previous Response). **No changes to any pending claim were presented in Applicants' previous Response** traversing the Examiner's Restriction Requirement (which itself should be withdrawn for being entirely improper).

Accordingly, all claims **are presented with proper claim status identifiers.** Applicants therefore respectfully request that the Notice of Non-Compliance with respect to the previous Response be **withdrawn.**

II. Conclusion

In view of the foregoing, Applicants respectfully request that the Notice of Non-Compliance be **withdrawn** upon reconsideration. All pending claims currently remain in the case and are believed patentable. Applicants respectfully request allowance of the pending claims. Applicants' silence with respect to any comments made in the Notice does not imply agreement with those comments.

Alternatively, if there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-438-6867 or via e-mail at cfincham@finchamdowns.com, at the Examiner's convenience.

III. Fees and Petition for Extension of Time to Respond

While no fees are believed to be due at this time, please charge any fees that may be required for this Response to Applicants' Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Response timely, and please charge any fee for such an extension to Applicants' Deposit Account No. 50-0271.

Respectfully submitted,

June 7, 2010

Date

/Carson C.K. Fincham, Reg.#54096/

Carson C.K. Fincham

Fincham Downs, LLC

Attorney for Applicants

Registration No. 54,096

cfincham@finchamdowns.com

(203) 438-6867 /voice

(203) 438-6991 /fax